

JAMES E. GIBBONS (*pro hac vice*)  
Cal. State Bar No. 130631  
**MANNING & KASS  
ELLROD, RAMIREZ, TRESTER LLP**  
801 South Figueroa Street, 15th Floor  
Los Angeles, CA 90017  
Tel. (213) 624-6900  
jeg@manningllp.com

ROBERT W. COHEN (*pro hac vice*)  
Cal. State Bar No. 150310  
MARIKO TAENAKA (*pro hac vice*)  
Cal. State Bar No. 273895  
**LAW OFFICES OF ROBERT W. COHEN, A.P.C.**  
1875 Century Park East, Suite 1770  
Los Angeles, CA 90067  
Tel. (310) 282-7586  
rwc@robertwcohenlaw.com  
mt@robertwcohenlaw.com

*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

SHIGE TAKIGUCHI, FUMI NONAKA,  
MITSUAKI TAKITA, KAORUKO KOIZUMI,  
TATSURO SAKAI, SHIZUKO ISHIMORI, YOKO  
HATANO, YUKO NAKAMURA, HIDEHITO  
MIURA, YOSHIKO TAZAKI, MASA AKI  
MORIYA, HATSUNE HATANO, SATORU  
MORIYA, HIDENAO TAKAMA, SHIGERU  
KURISU, SAKA ONO, KAZUHIRO  
MATSUMOTO, KAYA HATANAKA, HIROKA  
YAMAJIRI, KIYOHARU YAMAMOTO, JUNKO  
YAMAMOTO, KOICHI INOUE, AKIKO NARUSE,  
TOSHIMASA NOMURA, and RITSU YURIKUSA,  
individually and on behalf of all others similarity  
situated,

Plaintiff,

v.

MRI INTERNATIONAL, INC., EDWIN J.  
FUJINAGA, JUNZO SUZUKI, PAUL MUSASHI  
SUZUKI, LVT, INC., dba STERLING ESCROW,  
and DOES 1-500,

Defendants.

Case No.: 2:13-cv-01183-HDM-VCF  
ORDER GRANTING  
**STIPULATION AND PROPOSED  
ORDER TO AMEND THE CLASS  
DEFINITION**

On March 21, 2016, this Court granted plaintiffs' motion for class certification. Dkt. No. 404. The order certified the following MRI investor class:

[A]ll persons who purchased MRI securities during the period July 5, 2008, through May 1, 2013, and were injured as a result of the defendants' conduct. Excluded from the class are the defendants, their employees, their family members and their affiliates, and the following 26 individuals who are plaintiffs in the pending litigation against the defendants in Japan: (1) Tomoyasu Kojima; (2) Keiko Amaya; (3) Masakazu Sekihara; (4) Chiri Satou; (5) Meiko Murakami; (6) Masayoshi Tsutsumi; (7) Yumiko Ishiguro; (8) Reiko Suzuki; (9) Hiroji Sumita; (10) Eiko Uchiyama; (11) Hideyo Uchiyama; (12) Youzou Shiki; (13) Naoki Nagasawa; (14) Noboru Yokoyama; (15) Masami Segawa; (16) Fumiko Takagi; (17) Kumiko Kaita; (18) Fumi Kobayashi; (19) Ikuko Miyazaki; (20) Hina Nagase; (21) Akio Iwama; (22) Kouji Kishida; (23) Eri Kishida; (24) Nomai Nii; (25) Youko Miyahara; and (26) Tsukiko Kurano.

Plaintiffs prepared and filed a proposed Notice of Class Certification using the above class definition. Dkt. No. 410.

However, upon further review of the class definition, the parties now recognize that this class definition inadvertently excludes certain class members (namely those who purchased prior to the class period but nonetheless were injured during the class period) who were included as proposed class members in the Fourth Amended Complaint (Dkt. No. 223). Specifically, paragraph 18 of the Fourth Amended Complaint defines the class as follows:

"18. Plaintiffs seek relief on behalf of themselves and a class of all persons, during the Class Period, who were MRI investors and who were injured as a result of defendants' illegal Ponzi scheme and actions ("Class or Class Members"). Excluded from the Class are the Defendants, their employees, their family members, and affiliates of defendants."

A court can amend or alter the class definition at any time, for any reason, before a decision on the merits. Fed.R.Civ.P. 23(c)(1); *Vizcaino v. U.S. Dist. Court for Western Dist. of Washington*, 173 F.3d 713, 721 (9th Cir. 1999) (citing Rule 23(c)(1), which gives the court "explicit permission to alter or amend a certification order before [a] decision on the merits . . ."); *Andrews Farms v. Ca/cot, Ltd.*, 268 F.R.D. 380, 384 (E.D. Cal. 2010) (citing *Armstrong v. Davis*, 275 F.3d 849, 871 (9th Cir. 2001) ("[e]ven after a certification order is entered, the judge remains free to modify").

The parties therefore seek to have the class definition of the class certification order amended to be consistent with the definition set forth in the operative complaint, and that the court approve the revised Notice of Class Certification.

The parties therefore stipulate as follows:

1. The class definition in the Order Granting Class Certification shall be amended as follows:

The MRI Investor Class consisting of: all persons who were MRI investors and who were injured as a result of the defendants' alleged illegal Ponzi scheme and actions from July 5, 2008 through July 5, 2013. Excluded from the class are the defendants, their employees, their family members and their affiliates, and the following 26 individuals who are plaintiffs in the pending litigation against the defendants in Japan: (1) Tomoyasu Kojima; (2) Keiko Amaya; (3) Masakazu Sekihara; (4) Chiri Satou; (5) Meiko Murakami; (6) Masayoshi Tsutsumi; (7) Yumiko Ishiguro; (8) Reiko Suzuki; (9) Hiroji Sumita; (10) Eiko Uchiyama; (11) Hideyo Uchiyama; (12) Youzou Shiki; (13) Naoki Nagasawa; (14) Noboru Yokoyama; (15) Masami Segawa; (16) Fumiko Takagi; (17) Kumiko Kaita; (18) Fumi Kobayashi; (19) Ikuko Miyazaki; (20) Hina Nagase; (21) Akio Iwama; (22) Kouji Kishida; (23) Eri Kishida; (24) Nomai Nii; (25) Youko Miyahara; and (26) Tsukiko Kurano.

2. That the Court approve the Notice of Class Certification, attached hereto as Exhibit A.

Respectfully submitted.

Dated: May 5, 2016

MANNING & KASS  
ELLROD, RAMIREZ, TRESTER LLP

By: /s/ James Gibbons  
JAMES E. GIBBONS  
STEVEN J. RENICK

ZACCARO MORGAN LLP

By: /s/ Nicolas Morgan  
NICOLAS MORGAN  
Attorneys for Defendants Junzo Suzuki and Paul Suzuki

HITZKE & ASSOCIATES

By: /s/ Erick Ferran  
ERICK FERRAN  
Attorneys for Defendants MRI International,  
Inc. and Edwin Y. Fujinaga


LAW OFFICES OF ROBERT A. GOLDSTEIN

By: /s/ Robert Goldstein  
ROBERT A. GOLDSTEIN  
Attorneys for Defendant LVT, Inc., dba  
Sterling Escrow

The stipulation of the parties (#425) is GRANTED.

IT IS SO ORDERED.

DATED: May 6, 2016



Hon. Howard D. McKibben  
United States District Judge